

## Message Text

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ACTION IO-14

INFO OCT-01 ADP-00 AF-10 ARA-16 EA-11 EUR-25 NEA-10 RSC-01

RSR-01 ACDA-19 SCI-06 AEC-11 L-03 COA-02 DODE-00

INT-08 NSC-10 NSF-04 EB-11 AGR-20 COME-00 PM-07 SS-15

JUSE-00 OMB-01 PA-03 PRS-01 USIA-15 DOTE-00 CG-00

FMC-04 /229 W

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R 031225Z AUG 73

FM USMISSION GENEVA

TO SECSTATE WASHDC 956

INFO USMISSION USUN NY

UNCLAS GENEVA 4108

E.O. 11652: N/A

TAGS: PBOR, UN

SUBJ: SC-I WG MTG JULY 30

1. SUMMARY: WORKING GROUP (WG) CONSIDERED AND COMPLETED FIRST READING OF SECRETARIAT ARTICLES. US INTRODUCED DRAFT ARTICLE ON THE TRIBUNAL AND ON SEABED BOUNDARY REVIEW COMMISSION. END SUMMARY

2. AUSTRALIA INTRODUCED DRAFT ARTICLES ON INTERNATIONAL SEABED OPERATIONS ORGANIZATION WHICH PROVIDES FOR BOTH DIRECT EXPLOITATION BY AUTHORITY AND LICENSING.

3. WG CONSIDERED DRAFT ARTICLES ON SECRETARIAT IN LONG BUT UNCONTROVERSIAL DEBATE. MALTA CIRCULATED NEW TEXT ON THE SECRETARIAT WHICH ADDED FURTHER FUNCTIONS, INCLUDING PREPARATION OF DRAFT BUDGET, INSPECTION OF EXPLORATION AND EXPLOITATION ACTIVITIES, CARRYING OUT SCIENTIFIC RESEARCH, ISSUANCE OF PERIODIC REPORTS TO MARINERS AND REGISTER OF RADIOACTIVE AND TOXIC MATERIALS. MOST OF DISCUSSION RESOLVED AROUND MALTESE PROPOSALS.

4. WG DISCUSSED QUESTION WHICH ORGAN SHOULD APPOINT THE SECRETARY-  
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GENERAL AND HOW AND UNDER WHAT CONDITIONS THE SG COULD BE REMOVED.

THERE WAS WIDE-SPREAD AGREEMENT THERE SHOULD BE PROVISION PROHIBITING CONFLICT OF INTERESTS. USSR REP TOOK STRONG EXCEPTION TO PERMITTING SECRETARIAT TO CONDUCT SCIENTIFIC RESEARCH AND TO MAINTAIN REGISTER OF PERSONS FOR PURPOSE OF CONDUCTING SCIENTIFIC RESEARCH (WHICH HE CHARACTERIZED AS A SCIENTIFIC BLACK-LIST).

5. US REP ASKED THAT PROVISIONS IN MALTESE DRAFT ON APPOINTMENT AND DISMISSAL OF SECRETARY-GENERAL BE DELETED ON GROUNDS THESE ARE POWERS AND FUNCTIONS OF OTHER ORGANS. HE ALSO ASKED THAT PREPARATION OF DRAFT BUDGET BE COUNCIL FUNCTION; INSPECTION BE AN OPERATION'S COMMISSION FUNCTION; SCIENTIFIC RESEARCH BE DELETED AND THAT ISSUE OF WHETHER SECRETARIAT SHOULD MAINTAIN REGISTER OF DISPOSAL OF RADIOACTIVE AND TOXIC MATERIALS WAS BEYOND MANDATE OF SC-IWG. US REP ALSO AGREED WITH USSR OBJECTIONS TO MAINTAINING REGISTER OF PERSONS TO CONDUCT SCIENTIFIC RESEARCH. HE STATED MALTESE PROVISION ON CONFLICT OF INTERESTS WAS TOO PERMISSIVE AND HE PROPOSED AN ALTERNATIVE TEXT DRAWN FROM US DRAFT SEABEDS TREATY.

6. BULGARIA, WITH SUPPORT OF SEVERAL OTHERS, ARGUED THAT ASSEMBLY SHOULD ELECT SECRETARY-GENERAL ON BASIS OF NOMINATION FROM CONTRACTING PARTIES. HE SUPPORTED US TEXT ON CONFLICT OF INTERESTS AND CONCLUDED BY URGING THAT SECRETARIAT'S POWERS NOT BE BROADENED.

7. UK REP SAID HE WAS FLEXIBLE ON WHETHER COUNCIL OR ASSEMBLY SHOULD SELECT SECRETARY -GENERAL. HE SUPPORTED MOST OF US AND USSR OBJECTIONS TO MALTESE DRAFT AND SUPPORT US TEXT ON CONFLICT OF INTERESTS. UKRAINE REITERATED POINTS MADE BY SOV DEL.

8. US REP INTRODUCED DRAFT ARTICLES ON TRIBUNAL DRAWN FROM US DRAFT SEABED TREATY. HE QUOTED STATEMENT IN STEVENSON JULY 18 SPEECH ON DISPUTE SETTLEMENT AND MADE STRONG STATEMENT ON IMPORTANCE WHICH US ATTACHES TO COMPULSORY DISPUTE SETTLEMENT, INDICATING THAT THESE ARTICLES ARE AMONG THE MOST IMPORTANT PROPOSALS BEFORE THIS SUBCOMMITTEE. HE NOTED THERE WERE SOME SPECIFIC DIFFERENCES BETWEEN TRIBUNAL ARTICLE AND DISPUTE SETTLEMENT PROVISIONS IN US DRAFT TREATY. HE STRESSED THAT DECISIONS OF TRIBUNAL WILL BE BINDING AND THAT NO OTHER CONCEPT WOULD SATISFY US. HE DREW ATTENTION TO PROVISION IN US ARTICLES

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UNDER WHICH TRIBUNAL MAY REQUIRE AUTHORITY TO PAY DAMAGE CAUSED BY ITS ORGANS OR OFFICIALS. HE EXPLAINED THAT LARGE INVESTMENTS WILL BE REQUIRED IN ORDER TO ESTABLISH MINING OPERATIONS AND THESE CANNOT BE RISKED WITHOUT ENSURING LEGAL RESPONSIBILITY FOR AUTHORITY. US REP SAID US HAD SUBSTANTIALLY REVISED PROVISIONS ON ROLE OF OPERATIONS COMMISSION (OC) IN RELATION TO TRIBUNAL UNDER WHICH OC CAN ISSUE AN OPINION WHEN THERE IS FAILURE TO FULFILL AN OBLIGATION. HE STRESSED THAT PROPOSAL CONFINED

OC'S COMPETENCE TO QUESTIONS OF TECHNICAL NATURE: IN OTHER MATTERS (I.E. STATE-TO-STATE DISPUTES), OC WOULD HAVE NO ROLE. US REP EXPRESSED HOPE THIS CHANGE WOULD MAKE OC MORE ACCEPTABLE TO THOSE WHO BELIEVE OC MANDATE TOO BROAD. HE SAID US HAD MADE GOOD FAITH EFFORTS TO TAKE INTO CONSIDERATION VIEWS EXPRESSED IN EARLIER DEBATE ON OC.

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## Message Attributes

**Automatic Decaptioning:** X  
**Capture Date:** 01 JAN 1994  
**Channel Indicators:** n/a  
**Current Classification:** UNCLASSIFIED  
**Concepts:** n/a  
**Control Number:** n/a  
**Copy:** SINGLE  
**Draft Date:** 03 AUG 1973  
**Decaption Date:** 01 JAN 1960  
**Decaption Note:**  
**Disposition Action:** n/a  
**Disposition Approved on Date:**  
**Disposition Authority:** n/a  
**Disposition Case Number:** n/a  
**Disposition Comment:**  
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**Errors:** N/A  
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**Office:** ACTION IO  
**Original Classification:** UNCLASSIFIED  
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**Original Previous Classification:** n/a  
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**Page Count:** 3  
**Previous Channel Indicators:**  
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**Previous Handling Restrictions:** n/a  
**Reference:** n/a  
**Review Action:** RELEASED, APPROVED  
**Review Authority:** kellerpr  
**Review Comment:** n/a  
**Review Content Flags:**  
**Review Date:** 29 AUG 2001  
**Review Event:**  
**Review Exemptions:** n/a  
**Review History:** RELEASED <29-Aug-2001 by reddocgw>; APPROVED <31-Jan-2002 by kellerpr>  
**Review Markings:**

Declassified/Released  
US Department of State  
EO Systematic Review  
30 JUN 2005

**Review Media Identifier:**  
**Review Referrals:** n/a  
**Review Release Date:** n/a  
**Review Release Event:** n/a  
**Review Transfer Date:**  
**Review Withdrawn Fields:** n/a  
**Secure:** OPEN  
**Status:** NATIVE  
**Subject:** SC-I WG MTG JULY 30  
**TAGS:** PBOR, UN  
**To:** STATE  
**Type:** TE  
**Markings:** Declassified/Released US Department of State EO Systematic Review 30 JUN 2005